PB90-249632

CERCLA Off-Site Policy - Eligibility of Facilities in Assessment Monitoring

(U.S.) Environmental Protection Agency, Washington, DC

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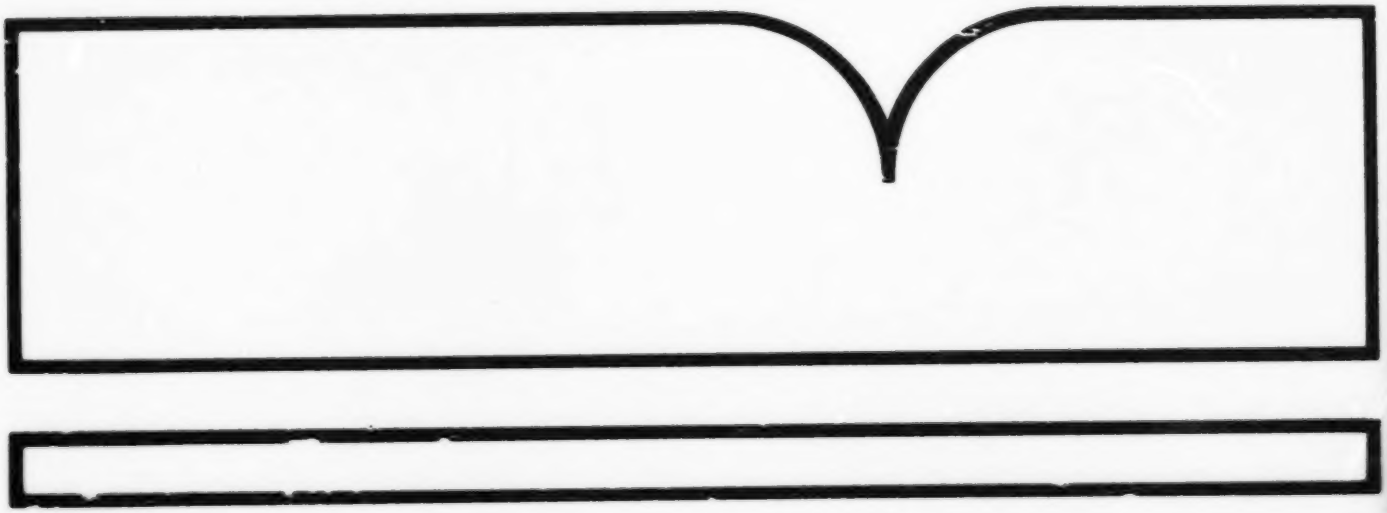

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 28 1986

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: CERCLA Off-site Policy - Eligibility of Facilities in Assessment Monitoring

FROM: J. Winston Porter
Assistant Administrator

TO: Regional Administrators, Regions I-X

As I have indicated in previous correspondence, I intend to issue later this summer a revised final version of the "Procedures for Planning and Implementing Off-site Response Actions" (Off-site Policy, May 6, 1985). At that time I intend to provide additional guidance on determinations of ineligibility based upon "other environmental conditions" that affect the satisfactory operation of the facility or that pose a significant threat to public health, welfare or the environment.

One of the key issues in interpretation of the policy surrounds applying this standard to facilities in assessment monitoring. Section II.B.5. of the policy states in part:

> "For facilities in assessment monitoring, the conditions which lead to required assessment monitoring, as well as resulting monitoring data, must be evaluated.

and

> "If a facility is in assessment monitoring, the conditions which lead to assessment monitoring may constitute environmental conditions that adversely affect facility operations. In such cases, Regions should assess the conditions at the facility prior to using the facility for Superfund purposes". (emphasis added).

In applying this provision to facilities in your Region, you should use the following guidelines:

- Facilities which are in assessment monitoring should not automatically be deemed ineligible under the off-site policy.

- When a facility is required to begin assessment monitoring, the Waste Management Division Director should evaluate the data which lead to assessment monitoring and any other relevant information.

- Based on his evaluation, the Director should determine that the facility is ineligible if;

  - there is a probable release to ground water, and
  - the release is significant in that it will affect satisfactory operation of the facility (e.g. the release is from an active unit) or may pose a significant threat to public health and the environment.

- Where information available at the time a facility begins assessment does not support such a determination, the facility remains eligible. However, the Director should continually reassess eligibility as more information becomes available through the assessment monitoring program.

- A determination of ineligibility may be made at any time prior to, during or subsequent to the assessment monitoring program.

It is important to ensure smooth operation of the Superfund program that this policy be applied fairly and uniformly. I urge you to be certain that any decisions of ineligibility are made based upon careful consideration and that facilities are promptly notified as discussed in my memorandum dated May 12, 1986. If you have any questions about implementation of the policy, please contact either Michael Kilpatrick (382-5324) or Jackie Moya (382-3122) of the Office of Waste Programs Enforcement.

cc: Directors, Waste Management Division
Regions I, IV, V, VII, VIII
Director, Emergency and Remedial Response Division
Region II
Directors, Hazardous Waste Management Division
Regions III, VI, X
Director, Toxics and Waste Management Division
Region IX

RCRA Branch Chiefs
Superfund Branch Chiefs
Off-Site Policy Contacts
Henry Longest
Gene Lucero
Marcia Williams